

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Police – Sri Qayyum Khan, RSI (Retd) – Period of ‘out of employment’ from 17-7-1999 to 1-3-2000 - Regularization - Orders – Issued.

HOME (SERVICES-II) DEPARTMENT

G.O.Ms.No 51

Dated:3-3-2010
Read the following:

1. Govt. Memo.No.24620/Ser.II/A3/2008, dated:12 -11-2008
2. From Sri Qayyum Khan, RSI (Retd)., representation dated: 25-8-08
3. G.O.Ms.No.8 , Home (Ser.II) Dept., dated: 6-1-2009
4. From the APAT, Orders dated: 1-9-2009 in O.A.No.2831/2009
- 5 . From Sri Qayyum Khan, RSI (Retd)., representation dated: 18-9-2009
6. From the DGP, AP, Hyderabad, Lr.Rc.No.1276/U1/2005, dated:27-10-2009
7. Govt. Memo.No.5477/Ser.II/A3/2009, dated:10 -2-2010
- 8 . From Sri Qayyum Khan, RSI (Retd)., representation dated: 15-2-2010

Order:

In the reference 3rd read above, Government have issued orders treating the period of out of employment of Sri Qayyum Khan RSI (Retd), i.e from 17-7-1999 to 1-3-2000, as ‘Not On Duty’, since the principle of ‘No Work – No Pay’ has to be applied in such cases.

2. Aggrieved with the above, Sri Qayyum Khan, SI Police (Retd), Hyderabad, has approached the Hon’ble APAT in OA.No.2831/09, against the G.O.Ms.No. 8, Home (Ser.II) Dept., dated: 6-1-2009.

3. The Hon’ble APAT, Hyderabad, have passed the following orders in the OA.No.2831/09 on 1-9-2009:

“ A reading of the G.O.Ms.No.8 does not disclose that the competent authority had applied its mind to FR 54 (4) or proviso under FR 54 (5) , Therefore treating the period of out of employment as ‘Not On Duty’, by applying the so called principle of ‘No Work – No Pay’ is bad under law. If the principle of ‘No Work – No Pay’ is to be applied in the disciplinary proceedings, where dismissal or removal are converted into minor punishment , there is no need to provide FR 54 (4) or proviso under FR 54 (5). So, it is not just to apply the said principle. Therefore, the impugned order suffers with that infirmity and liable to be set aside to that extent.

Therefore, the OA is allowed. The G.O.Ms.No. 8, Home (Ser.II) Dept., dated: 6-1-2009 issued by the 1st respondent treating the dismissal as not on duty is set aside. The 1st respondent is directed to consider the treatment of period of dismissal (out of employment) in the light of FR 54 (4) and 54 (5) and 54 (7) and pass appropriate orders within a period of 12 weeks from the receipt of order”

4. As per the above directions of the Hon’ble Tribunal in OA.No.2831/09 dated 1-9-2009, Government have examined the matter in terms of per FR 54 (4) (5) and (7) and provisionally decided to pay an amount equal to the subsistence allowance and other allowances admissible under Rule 53, to the applicant Sri Qayyum Khan, RSI (Retd), for the period of dismissal (out of employment) from 17-7-1999 to 1-3-2000, by treating the said period as not on duty and a notice has been issued in the reference 7th read above, directing the applicant to submit his further representation with regard to the above proposed quantum of amount as per FR 54 (4) .

5. In the reference 8th read above, the applicant has submitted his explanation to the Government and requested to set aside the modified punishment of censure and to treat the period of out of employment from 17-7-1999 to 28-2-2000 as on duty with all financial benefits.

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6. Government after careful examination of the matter, hereby confirm the provisional decision to pay an amount equal to the subsistence allowance and other allowances admissible under Rule 53, to the applicant Sri Qayyum Khan, RSI (Retd), for the period of dismissal (out of employment) from 17-7-1999 to 1-3-2000, by treating the said period as not on duty, as per FR 54 (4) (5) and (7).

7. The Director General of Police, AP, Hyderabad, is requested to take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P. GAUTAM KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, Andhra Pradesh, Hyderabad
Sri Qayam Khan, RSI (Retd)H.No.17-2-181/45/1,
Al-Jabri Colony, Wahed colony, Yakutpura,
Hyderabad – 500 023
SF/SC

//Forwarded :: By order//

SECTION OFFICER